

THIRTY-EIGHTH DAY.

Austin, Texas, March 1, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Patton.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt:

S. B. No. 604, A bill to be entitled "An Act to authorize W. C. Davis to file suit against the State of Texas in the District Court of McLennan County, Texas; and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 605, A bill to be entitled "An Act to diminish the Civil Jurisdiction of the county court of Nueces County; to conform to the jurisdiction of the 113 District Court of Nueces County thereto; etc."

The bill was read first time and

referred to Committee on Judicial Districts.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 609.	S. B. No. 114.
H. B. No. 542.	S. J. R. No. 2.
H. B. No. 400.	S. C. R. No. 31.
H. B. No. 563.	S. B. No. 256.
H. B. No. 580.	S. B. No. 576.
H. B. No. 379.	S. B. No. 397.
H. B. No. 679.	S. B. No. 374.
H. B. No. 672.	S. B. No. 338.
H. B. No. 267.	S. B. No. 257.
H. B. No. 335.	H. B. No. 649.
H. B. No. 146.	H. B. No. 712.
H. B. No. 251.	H. B. No. 670.
H. B. No. 102.	H. B. No. 539.
H. B. No. 413.	H. B. No. 589.
H. B. No. 681.	

S. C. R. No. 76.

The Chair laid before the Senate S. C. R. No. 76, memorializing Congress to afford relief to Reclamation and Levee districts.

The resolution was read and adopted.

Simple Resolution No. 84.

Senator Pollard sent up the following resolution:

By Pollard, Miller, Woodward.

Be it resolved by the Senate of Texas that a committee of three

Senators be appointed to arrange for having photographs made of the Governor, Lieutenant Governor, and Senators of the Forty-first Legislature, and hung in the Senate Chamber.

The resolution was read and adopted.

The Chair appointed the following:

Senators Pollard, McFarlane and Hyer.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Mar. 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Holbrook:

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas, so as to make it unlawful for any person to place, set, use or drag any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trot line, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters, except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties, and declaring an emergency."

By Senator Hyer:

S. B. No. 99, A bill to be entitled "An Act relating to courses of instruction in Constitution of United States in schools, colleges, universities, and other educational institutions of the State of Texas."

By Senator Woodul:

S. B. No. 107, A bill to be entitled "An Act to amend Article 1935 of Chapter 2, Title 41 of the Revised Civil Statutes of 1925 and declaring an emergency."

By Senator Woodul:

S. B. No. 108, A bill to be entitled "An Act to amend Article 1894 of Chapter 2, Title 40 of the Revised Civil Statutes of 1925 and declaring an emergency."

By Senator Moore:

S. B. No. 125, A bill to be entitled "An Act to grant power to either member of the Railroad Commission or any employee designated by the Railroad Commission of whatever nature to hold hearings and investigations and make a record thereof for the use and benefit of the Railroad Commission the same as if the entire Commission were present, and granting to such Commissioner or designated employee power to administer oaths, certify to official acts, compel the attendance of wit-

nesses and the production of papers.

By Senator Woodward:

S. B. No. 154, A bill to be entitled "An Act amending Article 1831, Title 39, Revised Statutes of the State, prescribing certain duties of Clerks of Courts of Civil Appeals with reference to the filing, recording and preservation of the records and proceedings of said court."

By Senator Berkeley:

S. B. No. 169, A bill to be entitled "An Act to provide for the taking of testimony of a witness or witnesses in this State either written interrogatories or oral deposition, on any mandate, writ or commission issued out of any court of record in any other State, territory, district, or foreign jurisdiction, and declaring an emergency."

By Senator Westbrook:

S. B. No. 179, A bill to be entitled "An Act amending Article 3124 of the Revised Civil Statutes of 1925, so as to better regulate the making of returns and canvassing the result in primary elections; and declaring an emergency."

By Senator Woodward:

S. B. No. 182, A bill to be entitled "An Act repealing Article 6815, Revised Civil Statutes, 1925, and declaring an emergency."

By Senator Williamson:

S. B. No. 216, A bill to be entitled "An Act repealing Article 1269 of the Revised Civil Statutes of the State of Texas of 1925, and declaring an emergency."

By Senator Small:

S. B. No. 270, A bill to be entitled "An Act to amend Chapter 28 of the local and special laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress County, by adding thereto Section 2a, authorizing the commissioners' court of Childress County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

With amendments.

By Senator Holbrook:

S. B. No. 359, A bill to be entitled "An Act amending Article 7005, Title 121, of the Revised Civil Statutes of 1925, so as to exempt Matagorda County from the provisions of Chapter 7 of Title 121 of the Revised Civil Statutes of 1925 and from all laws regulating the inspection of hides and animals; and declaring an emergency."

By Senator Witt:

S. B. No. 384, A bill to be entitled "An Act to validate organization of certain independent school districts and validating the board of trustees of same, and providing that they shall have the powers conferred by the laws of this State applicable to such district, and validating all proceedings and acts of same heretofore taken and had as authorized and sold and now outstanding of said districts; and declaring an emergency."

By Senator Parr:

S. B. No. 434, A bill to be entitled "An Act to create Santa Maria Water Control and Improvement District Cameron County Number Four in Cameron County, Texas, validate in and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a Water Improvement District under Article 3, Section 52 of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment, and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners' court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of the Constitutional notice required in the enactment of this Act has been duly made; enacting provisions incident

and necessary to the subject and purpose of this Act; and declaring an emergency."

By Senators Pollard, Hyer, and Parrish:

S. B. No. 477, A bill to be entitled "An Act defining aircraft, public and civil, airman and providing that in interest of public safety and desirability of uniform regulation and in interest of aeronautical progress, that aircraft operating within this State should conform with respect to design, construction and airworthiness to the standards prescribed by the United States Government, and making it unlawful for the navigation of aircraft within this State whether for commercial, pleasure or noncommercial purposes, unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force; etc., and declaring an emergency."

By Senator Small:

S. B. No. 388, A bill to be entitled "An Act amending Article 879g as amended by Chapter 215, of the General and Special Laws of the Regular Session of the Legislature so as to close the deer season in certain counties, and declaring an emergency."

By Senator Gainer:

S. B. No. 569, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Washington county and declaring an emergency."

By Mr. Quinn:

H. B. No. 381, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction of each county in Texas having a population of not less than 15,000 nor more than 25,000 according to the last Federal census; providing for office expenses; repealing all laws and parts of laws in conflict, and declaring an emergency."

By Mr. Giles and Mr. Williams of Travis.

H. B. No. 594, A bill to be entitled "An Act granting to the city of Austin the north half of the block ninety four (94) in said city and authorizing the Colored Methodist Episcopal Church of Austin, known as the Wesley Chapel, to convey or sell same to said city."

Sir: I am directed by the House to inform the Senate that the House has

concurrent in Senate amendments to House Bill No. 461 by a vote of 101 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Conway, Mr. Brice, Mr. Stephens and Mr. Barnett:

H. B. No. 708, A bill to be entitled "An Act fixing the salary of the district attorney of the Eighth Judicial District and prescribing the manner of its payment."

By Mr. Harrison, Mr. McGill and Mr. Pool:

H. B. No. 709, A bill to be entitled "An Act fixing a closed season for hunting or killing any deer in the counties of Hudspeth and El Paso for a period of five years from the effective date of this passage, and prescribing a penalty for violation of any provision of this Act."

By Mr. Woodall:

H. B. No. 711, A bill to be entitled "An Act to protect the rights of the public to fishing and hunting and for park purposes in the waters of Caddo Lake and lands adjacent thereto, withdrawing such lands from sale and preserving it for fish and game and for State park purposes as may be hereafter provided; providing that such land may be leased for mineral purposes in accordance with the law, but not otherwise sold."

By Mr. Graves of Williamson and Mr. Mankin:

H. B. No. 730, A bill to be entitled "An Act making it unlawful to take or kill wild squirrels in Williamson county during certain months of the year, and providing that the remainder of the year shall be an open season for killing wild squirrels."

By Mr. Keeton and Mr. Cox of Lamar:

H. B. No. 736, A bill to be entitled "An Act fixing the compensation and fees of the office of the tax assessor and of the tax collector of Fannin County, Texas, for assessing and collecting taxes for the independent road districts, and amending Section 54, of Chapter 58, of the Special

Laws of the Thirty-third Legislature, approved March 19, 1913, so as to place the fee of such offices for assessing and collecting said taxes at three-fifths of one cent on the one hundred dollars (\$100) valuation of the property in said districts."

By Mr. Rogers, Mr. Snelgrove, and Mr. Heaton:

H. B. No. 737, A bill to be entitled "An Act amending Subdivision 4, of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding court in the Fourth Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 10 by a vote of 71 yeas and 40 nays. The House grants the request of the Senate for a Free Conference Committee on S. B. No. 407. The following are appointed on the part of the House:

Purl, Holder, Savage, McCombs, Keller, Davis.

The House has concurred in Senate amendment to H. B. No. 17 by a vote of 104 yeas and 2 present.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

Motions to Concur.

Senator Woodward moved to concur in the House amendments to S. B. No. 87. The motion prevailed.

Senator Wirtz moved to concur in the House amendment to S. B. No. 252. The motion prevailed by the following vote:

Yeas—29.

Beck.

Berkeley

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Neal. Patton.

Senator Hornsby moved to concur in the House amendment to S. B. No. 230. The motion prevailed.

Senator Berkeley moved to concur in the House amendment to S. B. No. 524. The motion prevailed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Patton.

Senator Parr moved that the Senate concur in House amendments to S. B. No. 370. The motion prevailed.

Senator Cousins moved to concur in the House amendment to S. B. No. 451. The motion prevailed by the following vote:

Yeas—29.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.
Greer.	McFarlane.

Miller.	Thomason.
Moore.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Pollard.	Witt.
Russek.	Woodul.
Small.	Woodward.
Stevenson.	

Absent—Excused.

Neal. Patton.

Senator Witt moved to concur in the House amendments to S. B. No. 404. The motion prevailed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal. Patton.

S. C. R. No. 25.

The Chair laid before the Senate S. C. R. No. 25 relating to the acceptance by the State of Dickson Colored College.

The resolution was read and adopted.

Free Conference Requested.

Senator Love moved not to concur in the House amendment to S. B. No. 407 and to ask for a Free Conference Committee.

The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Love, Hyer, Williamson, Patton, and Witt.

Motion to Concur.

Senator Wirtz moved to concur in the House amendment to S. B. No. 446. The motion prevailed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Neal.	Patton.
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Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Pollard.

S. B. No. 601, A bill to be entitled "An Act to make an appropriation of the sum of Eighty Thousand (\$80,000.00) Dollars or so much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers etc., and declaring an emergency."

The House has adopted House Concurrent Resolution No. 31 eulogizing Colonel W. S. Simpkins.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 30, Recalling H. B. No. 699 from the Governor's Office.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 601.

Senate Bill No. 413.

The Chair laid before the Senate as special order the following bill:

S. B. No. 413, A bill to be entitled "An Act defining motor carriers and placing such motor carriers under the regulation of the Railroad Commission of Texas; providing for the classification of motor carriers into classes and providing that every motor carrier in order to operate on the public highways must have a permit or certificate of public convenience and necessity; providing, further, that such motor carriers may not operate without filing with the Railroad Commission of Texas a bond or insurance policy which will protect the public for injuries or loss resulting from such operation; and declaring an emergency."

The Committee amendments were adopted.

Senator Woodward sent up the following amendment:

Amend S. B. No. 413 line 8 page 8 by striking out the words in line 8 "or capable of being rendered."

WOODWARD.

The amendment was read and adopted.

The question recurred upon Senator Wirtz's amendment.

Recess.

On motion of Senator Hyer, the Senate, at 12:00 o'clock noon, recessed until 2:00 a'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

House Bills Referred.

H. B. No. 594 referred to Committee on State Affairs.

H. B. No. 381 referred to Committee on Educational Affairs.

Senate Bill No. 413.

The question recurred upon S. B. No. 413.

H. C. R. No. 30.

The Chair laid before the Senate H. C. R. No. 30, recalling H. B. No. 699 from the Governor's office for further consideration.

The resolution was read and adopted.

H. C. R. No. 31.

The Chair laid before the Senate H. C. R. No. 31, relating to the death of Col. Simpkins.

The resolution was read and adopted.

House Bills Referred.

H. B. No. 708 referred to Committee on State Affairs.

H. B. No. 709 referred to Committee on State Affairs.

H. B. No. 711 referred to Committee on State Affairs.

H. B. No. 730 referred to Committee on State Affairs.

H. B. No. 706 referred to Committee on State Affairs.

H. B. No. 737 referred to Committee on Judicial Districts.

Senate Bill No. 414.

On motion of Senator Greer, the Senate reconsidered the vote by which S. B. No. 414 was finally passed.

The bill was read third time.

Senator Greer sent up the following amendments:

Amend S. B. No. 414 by striking out the figures "1921" in line 9, section 4, page 3, and inserting in lieu thereof, the figures "1923."

The amendment was read and adopted by unanimous consent.

Amend the caption of S. B. No. 414 by striking out the figures "1921" in line 16, and inserting in lieu thereof, the figures "1923."

The amendment was read and adopted by unanimous consent.

The bill as amended finally passed.

Simple Resolution No. 85.

Senator Moore sent up the following resolution:

By Woodward, Moore.

Whereas, Members of the 41st Legislature have been the recipients of many special favors and varied forms of entertainment at the hands of the citizens of Austin; and

Whereas, The character of entertainment furnished by the citizens of Austin amply justifies the title "The Friendly City" so generously applied to our Capitol City; and

Whereas, "The Friendly City" citizens seek at all times to make the sojourn of the legislators pleasant, profitable and comfortable during the session of the legislature; therefore be it

Resolved, By the Senate that we express to the citizens of "The Friendly City," the Chamber of Commerce, the City Officials and all others our grateful appreciation of their courtesies and consideration, and that the favors extended have been not unwisely bestowed.

The resolution was read and adopted unanimously.

Adjournment.

On motion of Senator Miller, the Senate, at 5:00 o'clock p. m., adjourned until Monday morning at 10:00 o'clock.

APPENDIX.

Petitions and Memorials.

San Antonio, Texas, 417 Burr Road.
February 28, 1929.

Bob Barker, Esq., Secretary of the Senate, Austin, Texas.

My dear friend:

It was good of you to take the time and trouble to furnish me with the copies of the Resolution which was passed by the Senate on February 14th, instant.

Please accept my thanks, not only for the copies, duly authenticated, but for the masterly way in which you hurdled the obstacles of French names of cities, towns, rivers and ports, and cut your way through barbed wire entanglements when you turned two pages at a time in the reading of the Resolution in which was recited the award of medals, orders and decorations.

As suggested in your letter, you are entitled to a citation for extraordinary bravery and heroism in the

face of the enemy, and this letter may be used by you to claim a silver star on the ribbon of your Victory Medal.

Hoping that I may have the pleasure of seeing you again soon, and with pleasant recollections of a very notable day in my experiences,

I remain,

Sincerely yours,

(Signed) B. B. BUCK,

Colonel, Retired Major-General,
A. E. F.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 257 carefully examined and compared, and find the same correctly enrolled, and have this day, at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 256 carefully examined and compared, and find the same correctly enrolled, and have this day, at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 397 carefully examined and compared, and find the same correctly enrolled, and have this day, at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 338 carefully examined and compared, and find the same correctly enrolled, and have this day, at 2:30

o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 35 carefully examined and compared and find the same correctly enrolled, and have this day, at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 114 carefully examined and compared, and find the same correctly enrolled and have this day, at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 576 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 374 carefully examined and compared, and find the same correctly enrolled and have this day, at 2:30 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 2 carefully examined and compared, and find the same correctly enrolled and have this day, at 2:30

o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate,

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 31 carefully examined and compared, and find the same correctly enrolled and have this day, at 2:30 o'clock, p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Mar. 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 601 carefully examined and compared, and find the same correctly enrolled and have this day, at 4:15 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 399, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases; prescribing the method of procedure and fixing duties of officials concerned therewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the following Committee Amendment:

By adding to Section 2, page 2, line 5 after the words "to the said superintendent, and if there be no such guardian or parents or none such be known to the said superintendent then the said superintendent shall apply to the district court of the county in which his said institution is situated, or to the judge thereof in vacation, who by a proper order entered upon the docket of said court shall appoint some suitable person to act as guardian of the

said inmate during and for the purpose of proceedings under this Act, to define the rights and interest of the said inmate, and the guardian so appointed shall be paid by the said institution a fee of not exceeding twenty-five dollars (\$25.00) as may be determined by the judge of the said court for his services under said appointment and such guardian shall be served likewise with a copy of the aforesaid petition and notice. Such guardian may for cause be removed or discharged at any time by the said court or the judge thereof in vacation and a new guardian appointed and substituted in his place.

By adding Section 4, from any order so entered by the said board of control the said superintendent or the said inmate or his guardian or parent shall within thirty days after the date of such order have the right of appeal to the district court of the county in which the said institution is situated, which appeal may be taken by giving notice thereof in writing to any member of the said board of control and to the other parties to the said proceeding, whereupon the said superintendent shall forthwith cause a copy of the petition, notice of evidence and orders of the said board of control and to the other parties to the said presence by any other member thereof, to the clerk of the said district court who shall file the same and docket the appeal to be heard and determined by the said court as soon thereafter as may be practicable.

The said district court in determining such appeal may consider the record of the proceedings before the said board of control, including the evidence therein appearing together with such other legal evidence as the said court may consider pertinent and proper that may be offered to the said court by any party to the appeal.

Upon such appeal the said district court may affirm, revise or reverse the orders of the said board of control appealed from and may enter such order as it deems just and right and which it shall certify to the said board of control.

The pendency of such appeal shall stay proceedings under the order of the board of control until the appeal be determined.

Sec. 5. Any party to such appeal in the district court may within thirty days after date of the final order therein take an appeal to the court of civil appeals in the manner and form now provided for such appeals in civil cases insofar as not in conflict with the provisions of this law. Such court of civil appeals shall have jurisdiction to hear and determine said appeal the same as in other civil cases and appeal may likewise be made to the Supreme Court in the manner and form now authorized for appeals in civil cases. The pendency of an appeal in the Court of Civil Appeals and the Supreme Court shall operate as a stay of proceedings under any order of the Board of Control or the district court until the appeal shall be determined by said appellate court.

Making Sections 4, 5, and 6, read 6, 7, and 8, respectively.

BECK, Chairman.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 677, A bill to be entitled "An Act to provide for the selection of jurors for service in civil suits in the district and county courts of counties having a population of at least sixteen thousand seven hundred and seventy-five and not more than seventeen thousand, as shown by the 1920 Federal census; making the provisions of this Act cumulative of all other laws on the subject, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 381, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction of each county in Texas having a

population of not less than 15,300 nor more than 15,400 according to the last Federal census; and providing for office expenses; repealing all laws and parts of laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Austin, Texas, March 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 253, A bill to be entitled "An Act to empower the State Text Book Commission to adopt a multiple list of text books in German for use in high schools, commercial arithmetic and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high school as may be determined by a seven-ninths vote of said Commission; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HORNSBY, Vice-Chairman.

By Anderson.

H. B. No. 253.

A BILL

To Be Entitled

An Act to empower the State Text Book Commission to adopt a multiple list of text books in German for use in high schools, commercial arithmetic and bookkeeping in the English language and also other high school texts on such subjects for use in junior high schools as may be determined by a seven-ninths vote of said Commission; and declaring an emergency." Be it enacted by the Legislature of the State of Texas.

Section 1. The State Text Book Commission shall adopt a multiple list of not fewer than three nor more than five text books for use in the public high schools in teaching the German language. And also there shall be added to the free list of text books commercial arithmetic and bookkeeping in the English language.

Sec. 2. The State Text Book Commission is hereby empowered to adopt single basis text books of a type suitable for junior high schools, provided seven-ninths of the Commission approve the policy; the adoption of the text to be made by six votes as in other adoptions and provided further, that such junior high school text books shall be furnished free only to such school systems as maintain junior high school organizations, as certified by the proper school authorities to the State Board of Education.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The importance of this legislation and the crowded condition of the Calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No 409, A bill to be entitled "An Act amending Articles 6663 to 6674, both inclusive, of the Revised Civil Statutes, of 1925 relating to highways and the Highway Department of the State of Texas; providing for a State Highway Commission to be composed of nine members, one of such members to be elected from each of nine different districts of the State described in the Act; providing for the calling of a special election to elect the commission provided for herein; providing the manner of their election, their term of office, compensation, bond, oath of office and duties; providing for a manager of said commission and fixing his compensation and requiring that he shall reside in Travis county during his tenure of office and devote his entire time to the duties of his office, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass with Committee Amendment, and be printed in the Journal.

HYER, Chairman.

Committee Amendment.

Amend S. B. No. 409 by striking out the word "Hunt" from District No. 3 and add the word "Hunt" to District No. 4.

By Parr, Miller, Hardin S. B. No. 409
Martin, Greer, Gainer,
Holbrook, Hyer, Parrish, and Cousins,

A BILL

To Be Entitled

An Act amending Articles 6663 to 6674, both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas; providing for a State Highway Commission to be composed of nine members, one of such members to be elected from each of nine different districts of the State described in the Act; providing for the calling of a special election to elect the commission provided for herein; providing the manner of their election, their term of office, compensation, bond, oath of office and duties; providing for a manager of said commission and fixing his compensation and requiring that he shall reside in Travis county during his tenure of office and devote his entire time to the duties of his office; providing for the appointment of district engineers and subordinate engineers; providing for a State Highway Engineer; providing for meetings of the Commission and for rules and regulations for the conduct of the work of the State Highway Department; providing for the collection of information and statistics in reference to the public roads; providing for co-operation with cities and towns in connection with highways through such cities and towns and regulating the construction of highways through the same; providing for engineers and the rules and regulations necessary in connection with same; providing for a complete road map and a com-

prehensive plan for State highways; enacting necessary provisions with reference to funds appropriated by the Federal Government in connection with roads in this State and with reference to the taking over and maintenance of various State highways in Texas; providing for vacancies to be filled by the Governor occurring on the State Highway Commission; making better provision for highway department and for the improvement of highways in this State; enacting all things necessary and incidental to the main purpose and subject of this Act, whether mentioned in detail in this Caption or not; enacting the necessary provisions to give counties a voice in road matters wherever such counties furnish moneys in connection with road work on State designated highways; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6663 of the Revised Civil Statutes of 1925 relating to State Highway Department be amended so as to hereafter read as follows:

The administrative control of the State Highway Department, hereinafter called "the Department," shall be vested in the State Highway Commission, herein after called "the Commission"; said department shall have its office at Austin, Texas, where its records shall be kept.

Sec. 2. Article 6664, Revised Civil Statutes of 1925 relating to the State Highway Commission shall be amended so as to hereafter read as follows:

Article 6664. The Commission shall consist of nine (9) citizens of the State of Texas, who shall have resided in Texas for at least five years next before their election and who shall have reached the age of twenty-five years before their election, and who shall have resided in the district in which they are elected at least one year next before their election. There shall be elected at the general election in 1930 a member of State Highway Commission from each of the districts created by this Act, and such member shall qualify and enter upon the duties of his office the first day of January,

1931. Such elective members shall, upon the organization thereof as provided for herein immediately after they have been elected and qualified, draw lots as to the length of term they shall serve, one-third of whom shall serve for two years; one-third for four years and the remainder for six years and their term of office thereafter shall be for a term of six years from and after the time they have been elected and qualified. Until said first day of January 1931 the Highway Commission shall be composed of nine members to be elected at a special election to be called by the Governor in each of said districts; and the Governor of the State of Texas shall call a special election at which a member of said Highway Commission shall be elected from each of said districts, said election to be called by the Governor not later than thirty (30) days after this Act takes effect. The Commissioners so elected shall serve until January 1, 1931, as provided above, and until their successors have been duly elected and qualify, as provided herein.

Immediately upon the organization of the Commission as provided herein, there shall be chosen a man to be known and designated as the Manager of the Highway Department who shall be skilled and qualified in highway construction and maintenance and who shall serve at the will of the Commission, and who shall devote his entire time to the duties of his office as provided by the Commission and who shall reside in Travis County, Texas.

Sec. 3. That Article 6665 of the Revised Civil Statutes of 1925 relating to the organization of the State Highway Commission be amended so as to hereafter read as follows:

The Commission shall hold regular meetings twice each month; each member shall attend the same and such special or called meetings as they may provide, or that the Manager may call. They shall formulate plans and policies for the location, construction and maintenance of a comprehensive state highway system; they shall biennially submit a report of their work to the Governor and the Legislature

with their recommendations. A quarterly statement containing an itemized bill of all monies received and from what source, and all monies paid out and for what purposes, shall be prepared and filed in the records of the Department, and a copy thereof sent to the Governor; these records shall be open for public inspection.

Sec. 4. That Article 6666 of the Revised Civil Statutes of 1925 relating to the rules of the State Highway Commission be amended so as to hereafter read as follows:

The Commission shall organize and elect from their number a Chairman to serve each biennium and until his successor is elected and qualified, and shall establish and make public proclamation of all rules and regulations for the conduct of the work of the Department as may be deemed necessary, not inconsistent with the provisions of law; they shall maintain a record of all proceedings and official orders and keep on file copies of all road plans, specifications and estimates prepared by the Department or under its directions, and such copies shall be open to public inspection.

Sec. 5. Article 6667 of the Revised Civil Statutes relating to aid to officials be amended so as to hereafter read as follows:

The Department shall collect information and compile statistics relative to mileage, character and condition of the public roads in the different counties, and the cost of construction of the different classes of roads in the various counties.

It shall investigate and determine the methods of road construction best adapted to the different sections of the State, and shall establish standards for the construction and maintenance of highways, bridges and ferries, giving due regard to all natural conditions and to the character and adaptability of road building material in the different counties and the cost thereof. The Department may at all reasonable times be consulted by county or city officials for any information or assistance it can render with reference to highways within such counties or cities, and it shall supply such information, if called for by city or county officials. Upon request of the Commissioners'

Court of any county, or the county judge thereof, the Department shall consider and advise concerning general plans and specifications for all road construction to be undertaken from the proceeds of the sale of bonds or other legal obligation issued by a county or by any subdivision or defined district or county.

Sec. 6. The State Highway Commission shall be authorized, and it shall be the duty of the Commission to co-operate with all cities and towns in the construction of highways through such cities and towns. It shall be its duty to pay its proportionate part of the construction of such highways through cities and towns in proportion to the amount that is expended by the State upon the construction of such highways in the county adjoining such cities or towns.

Sec. 7. That Article 6668 of the Revised Civil Statutes of 1925 relating to qualifications of engineers be amended so as to hereafter read as follows:

The Department shall adopt such rules as are found necessary to determine fitness of engineers making application for highway construction work upon the formal application of any county or road district thereof or any municipality, and upon request by any such county, road district or municipality to report thereon.

Sec. 8. That Article 6669 of the Revised Civil Statutes of 1925 relating to State Highway Engineer be amended so as to hereafter read as follows:

The Commission shall elect and fix the salary of a Chief Highway Engineer, who shall be a competent civil engineer, a graduate of some first class school of civil engineering and who shall be skilled and experienced in highway construction and maintenance and who shall have been engaged in the highway engineering work for a period of not less than five years; at least two years of which shall have been devoted to actual highway construction, who shall hold his position without term until removed by the Commission or shall have resigned of his own volition. He shall execute a bond payable to the Governor in such sum as the Commission may determine, to be approved by the Commission and filed in the office of the Secretary of

State, conditioned upon the faithful performance of his duties; the premium on said bond shall be paid out of the state highway funds; he shall devote his entire time to the duties of his office and shall act with the Commission in an advisory capacity without vote, and shall quarterly and biennially and annually submit to the Commission a detailed report of the progress of public road construction and an itemized statement of expenditures; he shall be allowed all actual traveling and other expenses under the direction of the Commission while absent from Austin in the performance of the duties of his office.

Sec. 9. That Article 6670 of the Revised Civil Statutes of 1925 relating to state road map be amended so as to hereafter read as follows:

The highway engineer shall cause to be made and kept in form convenient for examination in the office of the Department a complete road map of the state, and especially of the designated highways of the state as represented in the road construction of various counties, and such map shall be regularly revised as construction proceeds in the different counties. He shall prepare, under the direction and with the approval of the Commission a comprehensive plan providing a system of state highways, including therein all of the designated highways of the State of Texas that have heretofore been designated, or that may be designated hereafter.

Sec. 10. That Article 6671 of the Revised Civil Statutes of 1925 relating to laboratories and research be amended so as to hereafter read as follows:

The laboratories maintained at the Agricultural and Mechanical College of Texas, and at the University of Texas, shall be at the disposal of the State highway engineer for the purpose of testing and analyzing road and bridge material, and those in charge of such laboratories shall cooperate with and assist said engineer to that end.

Sec. 11. That Article 6672 of the Revised Civil Statutes of 1925 relating to Federal aid, be amended so as to hereafter read as follows:

Any funds for public road construction in this State appropriated by the Federal Government shall be expended by and under the super-

vision of the Department only upon the part of the system of the State highways designated as Federal Aid roads and approved by the United States Bureau of Public Roads.

Sec. 12. That Article 6673 of the Revised Civil Statutes of 1925 relating to control of highways be amended so as to hereafter read as follows:

The Commission is authorized to take over and maintain the various State highways in Texas, and the counties through which such highways shall pass shall be free from any cost, expense of supervision of such highways. The Commission shall use such proportion of the automobile registration fees as may be apportioned to it, if any, by the Legislature for the maintenance of such highways and shall not divert the same to any other use unless the Commission shall be without sufficient funds from other sources to meet Federal aid in road construction work in Texas, and in such case only by resolution of the Commission, stating the amount of such transfer and that the same is to be used to match Federal aid.

Sec. 13. That Article 6674 of the Revised Civil Statutes of 1925 relating to operating expenses of the Highway Commission be amended to hereafter read as follows:

The Legislature shall make appropriations for the maintenance and running expenses of the Department, fixing the compensation of the State Highway Manager and all other employees of the Department. The Compensation of the Manager of the Commission shall be \$10,000.00 per annum, payable monthly; he shall be allowed all actual traveling and other expenses under the direction of the Commission while absent from Austin in the performance of the duties of his office. The compensation of the Chief Engineer of the Commission shall be \$7,500.00 per annum, payable monthly, and \$20.00 per day shall be paid to each Commissioner for each day that he attends the meeting of the Commission and for each day that he devotes to the actual road supervision of his district, provided however that he shall not be allowed compensation for more than eight (8) days in any one month; he shall be allowed actual traveling expenses in going to and from Austin and in traveling

over his district in the supervision of the highways thereof, to be approved by the Highway Commission and paid out of the funds thereof, payable monthly. The Board of Control shall make contracts for equipment and supplies, including seals and number plates required by law in administration of the registration of licensed vehicles, and in the operation of said Department. The money herein authorized to be appropriated for the operation of the Department and the purchase of equipment shall be paid from the State Highway fund, and the remainder of said fund shall be expended by the Commission for the furtherance of public road construction and maintenance and the establishment of a system of State highways as herein provided. That all other members of the Highway Commission shall devote at least four days and not to exceed eight (8) days per month to the performance of their duties of office and each shall reside in the district from which he is elected during his tenure of office.

Sec. 14. That the State of Texas is hereby divided into nine State Highway Districts, numbered consecutively from 1 to 9, inclusive; District No. 1 to be comprised of the following counties:

Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collinsworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Wilbarger, Wichita, Archer, Baylor, Knox, King, Dickens, Crosby, Lubbock, Hockley, and Cochran.

District No. 2 to be comprised of the following counties:

Clay, Montague, Cooke, Grayson, Young, Jack, Wise, Denton, Stephens, Palo Pinto, Parker, Tarrant, Eastland, Erath, Hood, Johnson, Hamilton, Comanche, Bosque, Mills, Lampasas, Coryell and Somerville.

District No. 3 to be comprised of the following counties:

Fannin, Lamar, Red River, Bowie, Cass, Titus, Camp, Franklin, Delta, Hopkins, Hunt, Collin, Dallas, Rockwall, Rains, Wood, Upshur, Marion, Morris and Harrison.

District No. 4 to be comprised of the following counties:

Kaufman, Van Zandt, Smith, Gregg, Panola, Rusk, Cherokee, Henderson, Anderson, Shelby, Nacogdoches, Houston, Leon, Madison, Grimes, Walker, San Jacinto, Polk, Trinity, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler.

District No. 5 to be comprised of the following counties:

Ellis, Navarro, Hill, McLennan, Limestone, Freestone, Robertson, Falls, Bell, Milam, Williamson, Burnet, Travis, Llano, Blanco, Hays, Caldwell, Bastrop, Lee, Burleson, Brazos, Fayette, Austin, and Washington.

District No. 6 to be comprised of the following counties:

Orange, Hardin, Liberty, Montgomery, Waller, Harris, Chambers, Jefferson, Galveston, Brazoria, Fort Bend, Colorado, Wharton, Matagorda, Calhoun, Jackson, Lavaca, Gonzales, DeWitt, Goliad, Victoria, Refugio and Aransas.

District No. 7 to be comprised of the following counties:

Kent, Stonewall, Haskell, Throckmorton, Scurry, Fisher, Jones, Shackelford, Mitchell, Nolan, Taylor, Callahan, Sterling, Coke, Runnels, Coleman, Brown, Irion, Tom Green, Concho, McCulloch, San Saba, Schleicher, Menard, Mason, Sutton, Kimble, Gillespie, Val Verde, Edwards, Real and Kerr.

District No. 8 to be comprised of the following counties: Kinney, Uvalde, Bandera, Medina, Kendall, Comal, Bexar, Guadalupe, Wilson, Karnes, Atascosa, Frio, Zavalla, Maverick, Dimmit, LaSalle, McMullen, Live Oak, Bee, San Patricio, Jim Wells, Nueces, Duval, Webb, Zapata, Jim Hogg, Brooks, Kenedy, Willacy, Cameron, Hidalgo, Starr and Kleberg.

District No. 9 to be comprised of the following counties:

El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Andrews, Martin, Glasscock, Midland, Ector, Reagan, Howard, Upton, Crane, Ward, Jeff Davis, Pecos, Crockett, Terrell, Brewster, Presidio, Yoakum, Terry, Lynn, Garza, Borden, Dawson and Gaines.

That the State Highway Commission shall be composed of one member from each of said districts. Each of whom, when selected, shall take

the oath as provided in Section 2 of this Act, and each member shall give a bond in the sum of Five Thousand (\$5,000.00) Dollars, payable to the Governor of the State of Texas and his successors in office, to be approved by the Governor, conditioned upon the faithful performance of their duties of office, and shall also take oath provided by the Constitution for State officers. That the Manager of the Highway Commission, during his tenure of office, shall reside in Travis county, Texas, and shall devote his entire time and attention to the duties of his office.

Sec. 15. That any vacancy occurring on the State Highway Commission shall be filled by appointment by the Governor, with the advice and consent of the Senate, as now provided by law, and such successor shall have the same duties and authority as his predecessor had during the term for which he was elected; such appointee shall have the same qualifications as an elected member as provided for herein.

Sec. 16. Each Commissioner shall appoint, subject to confirmation by the Commission, a district engineer, who shall work under the supervision of the State Highway Engineer and shall devote his entire time to the highway work in the district from which he is appointed; such engineer shall be a competent civil engineer and a graduate of some first class school of engineering; he shall have practiced his profession for not less than five years and shall be experienced and skilled in highway construction and maintenance; he shall hold his position without term until removed by the Commissioner appointing him or shall have resigned of his own volition; he shall execute a bond payable to the State in such sum as the Commission may determine, to be approved by the Commission and filed in the office of the Secretary of State, conditioned upon the faithful performance of his duties; the premium on such bond shall be paid by the State out of the State highway funds; he shall act with the Commissioner of his district in an advisory capacity but it shall be his duty to carry out the instructions, plans and policies of the commissioner of his

district; he shall quarterly, annually and biennially submit to the Commissioner of his district a detailed report of the progress of highway construction in his district.

Sec. 17. Each District Engineer shall receive as compensation for his services not to exceed \$3,000.00 per annum, payable monthly, out of the funds of the Highway Department. Each District Engineer shall select subordinate engineers serving under him, subject to confirmation by the State Highway Commission.

Sec. 18. That Articles 6663, 6664, 6665, 6666, 6667, 6668, 6669, 6670, 6671, 6672, 6673 and 6674 of the Revised Civil Statutes of 1925, except insofar as herein written, are hereby repealed.

Sec. 19. If any section, clause, requirement, provision or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, requirement, provision or part thereof declared to be invalid.

Sec. 20. That this Act shall be cumulative of all other laws relating to the State Highway Commission not in conflict herewith, but wherein any conflict exists this law shall be in effect and such conflict in any existing law is hereby repealed.

Sec. 21. Where no Federal aid is involved, the Commission shall let and enter into all contracts for road and bridge construction on the State designated highways of this State and the bids therefor shall be opened and the contract let in the county where the work is to be performed, or, if the project be partly in different counties, then in either of such counties, at the county seat thereof, and such contract shall not be effective until approved by the commissioners' court of such county by an order entered upon the minutes of such court. Where Federal aid is involved and the county furnishes any money in connection with the project, the contract shall be let at Austin, but the county shall have a representative present at the opening of the bids and the letting of the contract, and before the work is commenced it shall be necessary for

the commissioners' court to approve such contract. In all cases where a county furnishes part of the cost of improvement on State designated highways the county shall have a voice in the type of construction and the right to have the county's engineer approve the work before all payments of county moneys are made.

Sec. 22. The fact that large areas of the State of Texas, located at considerable distance from the capitol of the State are unable to confer with members of the State Highway Commission who are familiar with the conditions and affairs in their particular section of the State, and to receive advice and counsel from the State Highway Commission relative to road matters, except by a journey to Austin at a time when the Highway Commission is in session, and the further fact that it is impossible for three men to keep in touch with the needs and requirements of the various counties in the State of Texas, and that the services of the State Highway Commission be available in all parts of the State at all times, and especially that the Manager of said Commission be available for advice and counsel at the State Highway Commission at Austin at all times, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

THIRTY-NINTH DAY.

Austin, Texas, March 4, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.

Martin.	Small.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

Absent—Excused.

Neal.

Prayer by Rev. Dr. Green.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Small:

S. B. No. 606, A bill to be entitled "An Act ratifying and validating the creation and consolidation proceedings creating Carey Consolidated Rural High School District No. Ten of Childress county, Texas, by consolidating Purple Hill Common School District No. 14, Prairie Hill Common School District No. 4, Carey Common School District No. 10 and Valley View Common School District No. 28, all in Childress county, Texas; ratifying and validating all orders, petitions, notices, elections, orders declaring result of elections and describing the boundaries of such consolidated rural high school district; validating election and election proceedings held on the 6th day of February, 1929, in such consolidated district; authorizing the issuance of Sixty Thousand Dollars schoolhouse bonds and levying a tax in payment thereof, including the petition, orders, notices, election, election returns and authorizing the Board of Trustees to complete the issuance and sale of such bonds; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller gave notice of signing,